IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 9823 of 2004(T)

PETITIONERS:

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1. NIZAMUDEEN, POLICE CONSTABLE,
P.C.NO.1020, ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
'AZHAR DALE', ATHINADE SOUTH, KATTILKADAVU P.O.,
KARUNAGAPPALLY.

2. ANIL KUMAR, POLICE CONSTABLE
P.C.NO.1014, KOZHENCHERRY C.I. OFFICE
PATHANAMTHITTA DISTRICT, NOW RESIDING AT `KAYAL
VARATHU HOUSE', AZHIKAL P.O., ALAPPAD VILLAGE,
KOLLAM DISTRICT.

3. BABU RAJ, POLICE COSTABLE, P.C.1069,
CHITHARA POLICE STATION, PATHANAMTHITTA DISTRICT
NOW RESIDING AT `EDASVAPARAMBIL VEEDU',
PULLAD P.O., PATHANAMTHITTA DISTRICT.

4. JAYA MOHAN, POLICE CONSTABLE,
P.C.NO.1070, THIRUVALLA POLICE STATION
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`SOUPARNIKA', THOZHUKKAL, NEYYATTINKARA P.O.

5. FAZILUKHAN, POLICE CONSTABLE
P.C.NO.1030, THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT.

6. RAJU .P., POLICE CONSTABLE,
P.C.NO.1005, KOODAL POLICE STATION,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`JITHIN BHAVAN', CHARIPARAMPU P.O.,
KADAYAKKAL, KOLLAM DISTRICT.

7. BIJU. J., POLICE CONSTABLE,
P.C.NO.1075, THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`EDDASSERIL VEEDU', THATTAMALA P.O., KOLLAM.

8. JAYACHANDRA PANICKER, POLICE CONSTABLE
P.C.NO.1074, COMPUTER CELL, PATHANAMTHITTA
DISTRICT, NOW RESIDING AT `PANAMANNARA PUTHEN
VEEDU', VALAKKODE P.O., PUNALUR.

9. V.K. ABDULLAH, POLICE CONSTABLE,
P.C.NO.1071, NARCOTIC CELL,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`FABILAYAM', VAZHAMON P.O., PUNALUR.

10. GOPAKUMAR, POLICE CONSTABLE
P.C.NO.1026, ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`KAVUVILA VEEDU', THAZHUTHALA VILLAGE,
KOTTIYAM, KOLLAM.

11. PRAHALADAN, POLICE CONSTABLE,
P.C.NO.1009, THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
K.K. HOUSE, MULAVANA P.O., KUNDARA, KOLLAM.

12. RADHAKRISHNA PILLAI, POLICE CONSTABLE
P.C.NO.1027, PANDALAM POLICE STATION
PATHANAMTHITTA DISTRICT, NOW RESIDING AT
`PAAZHAYAMANDATHIL VEEDU', NADUVILAKKARA,
THEVALAKKARA, KOLLAM.

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS:
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1. DIRECTOR GENERAL OF POLICE
HEAD QUARTERS, THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

3. JOSE P.C.1004, PATHANAMTHITTA.

4. RAJAN P.C.1101, PATHANAMTHITTA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 9823/2004 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SELECT LIST BEARING NO. A1. 12370/92 DT. 30/5/02.

EXT.P2. COPY OF THE PROVISIONAL LIST OF TEST QUALIFIED PERSONS AS HEAD CONSTABLES BEARING NO. A1/12370/02 DT. 15/11/2002.

EXT.P3. COPY OF THE ELIGIBLE CANDIDATES WHO HAD PASSED CATECHISM TEST BEARING NO. 82/29607/92 DT. 21/06/92.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.9823 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner approached this court aggrieved by Exts.P1 and P2 seniority lists prepared and published by the second respondent Superintendent of Police. It is stated in the counter affidavit of the 2nd respondent as follows :

> "None of the Police Constables of Armed Police Battalions who had got selection later and received on transfer was given any undue advantage as alleged since the Battalion Police Constables who passed Catechism Test and received on transfer in District Armed Reserve are eligible for inclusion in the waiting list then and there in the appropriate date vide G.O.No.125/80/Home dated 26.12.1990. Even if the petitioners had secured a pass in Catechism Test in the year 1991, they would not have got a chance for transfer to local police on the reason that the Armed Police Battalion personnel were seniors in advice date of PSC and hence the Battalion Police Constables place position above the directly recruited Police Constables of District Armed Reserve, Pathanamthitta."

In view of the stand taken in the counter affidavit, in case the petitioners have still any grievance left, they may approach the first respondent, in which case, their grievance will be duly considered by the said respondent, with notice to the petitioners, respondents 3 and 4, and other affected parties, if any.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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